(53)

XI-H-22

उच्च न्यायालय, छत्तीसगढ, बिलासपुर

आदेश पत्रक

मामला क्रमांक Cmp 450/07 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Cr.M.P.No.[Pr. No.1912/07]

[Single Bench: Hon'ble Mr. Justice Dhirendra Mishra]

PETITIONER (ACCUSED): Suresh Kumar Sakre, S/o Shri G. Sakre, aged about 37 years, R/o Dr. Rajendra Nagar, Shiv Chowk, Mother Teresa Ward, Post: Ravi Gram, Raipur, Distt. Raiput (C.G.)

Vs

RESPONDENT COMPLAINANT: Vasudev Ganpati Sahare, S/o Ganpati Sahare, aged about 51 years, Officer of Canera Bank: Branch Jagdalpur, Distt. B astar, R/o Maitry Sangh Gali, Kumharpara, Jagdalpur, Distt. Bastar (C.G.)

26.9.2007

Mr. C.R. Sahu, Advocate for the petitioner.

I.A. No.1, an application for taking documents on record is allowed. Documents are taken on record.

Heard on admission.

The petitioner by the instant petition under Section 482 of Cr.P.C. has prayed for quashing of the proceedings pending before the Chief Judicial Magistrate, Jagdalpur with a direction to institute the complaint in the proper court on the ground that the petitioner is facing prosecution under Sections 138 & 142 of the Negotiable Instruments Act, 1991 on the allegation that the cheque issued by him at Raipur was presented for payment at Jagdalpur, where the

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मामला क्रमांक Cri. MP 450/07 **सन्** 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

complainant is presently residing, however, the same was dishonoured by the banker of the present petitioner. A complaint was filed at Jagdalpur, though the cheque in question was issued by the petitioner at Raipur, and therefore, no part of cause of action arose within the territorial jurisdiction of the court at Jagdalpur.

It is not in dispute that the complainant deposited the cheque for encashment in his bank situated at Jagdalpur and communication regarding bouncing of the cheque was received by the complainant through his banker at Jagdalpur. In these circumstances, the objection of the petitioner that no part of cause of action arose at Jagdalpur is misconceived.

In the result, the petition has no force, the same is liable to be dismissed and it is hereby dismissed at the admission stage itself.

Sd/-
Dhirendra Mishra
Judge

[पीछे ले. क्र.